

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1222

AN ACT

AMENDING SECTIONS 13-603, 13-604, 13-609, 13-1202, 13-1805 AND 13-2308, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2320; AMENDING SECTIONS 13-2409 AND 13-2512, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, TO "REGISTRATION OF SEX OFFENDERS AND OFFENDER MONITORING"; AMENDING TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3829; AMENDING SECTION 13-3961, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARTICLE 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; MAKING APPROPRIATIONS; RELATING TO CRIMINAL STREET GANGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-603, Arizona Revised Statutes, is amended to
3 read:

4 13-603. Authorized disposition of offenders

5 A. Every person convicted of any offense defined in this title or
6 defined outside this title shall be sentenced in accordance with this chapter
7 and chapters 7, 8 and 9 of this title unless otherwise provided by law.

8 B. If a person is convicted of an offense, the court, if authorized by
9 chapter 9 of this title, may suspend the imposition or execution of sentence
10 and grant such person a period of probation except as otherwise provided by
11 law. The sentence is tentative to the extent that it may be altered or
12 revoked in accordance with chapter 9 of this title, but for all other
13 purposes it is a final judgment of conviction.

14 C. If a person is convicted of an offense, the court shall require the
15 convicted person to make restitution to the person who is the victim of the
16 crime or to the immediate family of the victim if the victim has died, in the
17 full amount of the economic loss as determined by the court and in the manner
18 as determined by the court or the court's designee pursuant to chapter 8 of
19 this title. Restitution ordered pursuant to this subsection shall be paid to
20 the clerk of the court for disbursement to the victim and is a criminal
21 penalty for the purposes of a federal bankruptcy involving the person
22 convicted of an offense.

23 D. If the court imposes probation it may also impose a fine as
24 authorized by chapter 8 of this title.

25 E. If a person is convicted of an offense and not granted a period of
26 probation, or when probation is revoked, any of the following sentences may
27 be imposed:

28 1. A term of imprisonment authorized by this chapter or chapter 7 of
29 this title.

30 2. A fine authorized by chapter 8 of this title. The sentence is
31 tentative to the extent it may be modified or revoked in accordance with
32 chapter 8 of this title, but for all other purposes it is a final judgment of
33 conviction. If the conviction is of a class 2, 3 or 4 felony, the sentence
34 cannot consist solely of a fine.

35 3. Both imprisonment and a fine.

36 4. Intensive probation, subject to the provisions of chapter 9 of this
37 title.

38 5. Intensive probation, subject to the provisions of chapter 9 of this
39 title, and a fine.

40 6. A new term of probation or intensive probation.

41 F. If an enterprise is convicted of any offense, a fine may be imposed
42 as authorized by chapter 8 of this title.

43 G. If a person or an enterprise is convicted of any felony, the court
44 ~~may~~, in addition to any other sentence authorized by law, ~~MAY~~ order the
45 forfeiture, suspension or revocation of any charter, license, permit or prior

1 approval granted to the person or enterprise by any department or agency of
2 the state or of any political subdivision.

3 H. A court authorized to pass sentence upon a person convicted of any
4 offense defined within or without this title shall have a duty to determine
5 and impose the punishment prescribed for such offense.

6 I. If a person is convicted of a felony offense and the court
7 sentences the person to a term of imprisonment, the court at the time of
8 sentencing shall impose on the convicted person a term of community
9 supervision. The term of community supervision shall be served consecutively
10 to the actual period of imprisonment if the person signs and agrees to abide
11 by conditions of supervision established by the state department of
12 corrections. Except pursuant to subsection J, the term of community
13 supervision imposed by the court shall be for a period equal to one day for
14 every seven days of the sentence or sentences imposed.

15 J. In calculating the term of community supervision, all fractions
16 shall be decreased to the nearest month, except for a class 5 or 6 felony
17 which shall not be less than one month.

18 K. Notwithstanding subsection I, if the court sentences a person to
19 serve a consecutive term of probation immediately after the person serves a
20 term of imprisonment, the court may waive community supervision and order
21 that the person begin serving the term of probation upon the person's release
22 from confinement. The court may retroactively waive the term of community
23 supervision or that part remaining to be served if the community supervision
24 was imposed before July 21, 1997. If the court waives community supervision,
25 the term of probation imposed shall be equal to or greater than the term of
26 community supervision that would have been imposed. If the court does not
27 waive community supervision, the person shall begin serving the term of
28 probation after the person serves the term of community supervision. The
29 state department of corrections shall provide reasonable notice to the
30 probation department of the scheduled release of the inmate from confinement
31 by the department.

32 L. If at the time of sentencing the court is of the opinion that a
33 sentence that the law requires the court to impose is clearly excessive, the
34 court may enter a special order allowing the person sentenced to petition the
35 board of executive clemency for a commutation of sentence within ninety days
36 after the person is committed to the custody of the state department of
37 corrections. If the court enters a special order regarding commutation, the
38 court shall set forth in writing its specific reasons for concluding that the
39 sentence is clearly excessive. The court shall allow both the state and the
40 victim to submit a written statement on the matter. The court's order, and
41 reasons for its order, and the statements of the state and the victim shall
42 be sent to the board of executive clemency.

43 M. IF A PERSON COMMITS ANY FELONY OR MISDEMEANOR OFFENSE WHILE THE
44 PERSON IS INCARCERATED IN A JAIL OR PRISON AND THE OFFENSE WAS COMMITTED TO
45 FURTHER, PROMOTE OR ASSIST A CRIMINAL STREET GANG OR SECURITY THREAT GROUP,

THE CLASSIFICATION OF THE OFFENSE SHALL INCREASE ONE LEVEL, EXCEPT IF THE OFFENSE IS A CLASS 2 FELONY. THERE IS A REBUTTABLE PRESUMPTION THAT THE PERSON COMMITTED THE OFFENSE TO FURTHER, PROMOTE OR ASSIST THE CRIMINAL STREET GANG OR SECURITY THREAT GROUP IF THE PERSON HAS PREVIOUSLY BEEN VALIDATED AS A MEMBER OF A SECURITY THREAT GROUP BY THE STATE DEPARTMENT OF CORRECTIONS. FOR THE PURPOSES OF THIS SUBSECTION, "SECURITY THREAT GROUP" MEANS ANY ORGANIZATION, CLUB, ASSOCIATION OR GROUP OF INDIVIDUALS, EITHER FORMAL OR INFORMAL, THAT MAY HAVE A COMMON NAME OR IDENTIFYING SYMBOL AND WHOSE MEMBERS ENGAGE IN ACTIVITIES THAT INCLUDE PLANNING, ORGANIZING, THREATENING, FINANCING, SOLICITING, COMMITTING OR ATTEMPTING TO COMMIT UNLAWFUL ACTS THAT WOULD VIOLATE THE DEPARTMENT'S WRITTEN INSTRUCTIONS AND THAT DETRACT FROM THE SAFE AND ORDERLY OPERATIONS OF PRISONS.

Sec. 2. Section 13-604, Arizona Revised Statutes, is amended to read:

13-604. Dangerous and repetitive offenders; definitions

A. Except as provided in subsection F, G or H of this section or section 13-604.01, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a class 4, 5 or 6 felony, whether a completed or preparatory offense, and who has a historical prior felony conviction shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
Class 4	3 years	4.5 years	6 years
Class 5	1.5 years	2.25 years	3 years
Class 6	1 year	1.75 years	2.25 years

B. Except as provided in subsection I, J or K of this section or section 13-604.01, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a class 2 or 3 felony, whether a completed or preparatory offense, and who has a historical prior felony conviction shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

1	<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2	Class 2	6 years	9.25 years	18.5 years
3	Class 3	4.5 years	6.5 years	13 years

4 C. Except as provided in subsection F, G, H or S of this section or
5 section 13-604.01, a person who is at least eighteen years of age or who has
6 been tried as an adult and who stands convicted of a class 4, 5 or 6 felony,
7 whether a completed or preparatory offense, and who has two or more
8 historical prior felony convictions shall be sentenced to imprisonment as
9 prescribed in this subsection and shall not be eligible for suspension of
10 sentence, probation, pardon or release from confinement on any basis except
11 as specifically authorized by section 31-233, subsection A or B until the
12 sentence imposed by the court has been served, the person is eligible for
13 release pursuant to section 41-1604.07 or the sentence is commuted. The
14 presumptive term may be mitigated or aggravated within the range prescribed
15 under this subsection pursuant to the terms of section 13-702, subsections B,
16 C and D. The terms are as follows:

17	<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
18	Class 4	8 years	10 years	12 years
19	Class 5	4 years	5 years	6 years
20	Class 6	3 years	3.75 years	4.5 years

21 D. Except as provided in subsection I, J, K or S of this section or
22 section 13-604.01, a person who is at least eighteen years of age or who has
23 been tried as an adult and who stands convicted of a class 2 or 3 felony, and
24 who has two or more historical prior felony convictions, shall be sentenced
25 to imprisonment as prescribed in this subsection and shall not be eligible
26 for suspension of sentence, probation, pardon or release from confinement on
27 any basis except as specifically authorized by section 31-233, subsection A
28 or B until the sentence imposed by the court has been served, the person is
29 eligible for release pursuant to section 41-1604.07 or the sentence is
30 commuted. The presumptive term may be mitigated or aggravated within the
31 range prescribed under this subsection pursuant to the terms of section
32 13-702, subsections B, C and D. The terms are as follows:

33	<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
34	Class 2	14 years	15.75 years	28 years
35	Class 3	10 years	11.25 years	20 years

36 E. A person who is at least eighteen years of age or who has been
37 tried as an adult and who stands convicted of any misdemeanor or petty
38 offense, other than a traffic offense, and who has been convicted of one or
39 more of the same misdemeanors or petty offenses within two years next
40 preceding the date of the present offense shall be sentenced for the next
41 higher class of offense than that for which such person currently stands
42 convicted.

43 F. Except as provided in section 13-604.01, a person who is at least
44 eighteen years of age or who has been tried as an adult and who stands
45 convicted of a class 4, 5 or 6 felony involving the intentional or knowing

1 infliction of serious physical injury or the discharge, use or threatening
 2 exhibition of a deadly weapon or dangerous instrument without having
 3 previously been convicted of any felony shall be sentenced to imprisonment as
 4 prescribed in this subsection and shall not be eligible for suspension of
 5 sentence, probation, pardon or release from confinement on any basis except
 6 as specifically authorized by section 31-233, subsection A or B until the
 7 sentence imposed by the court has been served, the person is eligible for
 8 release pursuant to section 41-1604.07 or the sentence is commuted. The
 9 presumptive term may be mitigated or aggravated within the range prescribed
 10 under this subsection pursuant to the terms of section 13-702, subsections B,
 11 C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
12 Class 4	4 years	6 years	8 years
14 Class 5	2 years	3 years	4 years
15 Class 6	1.5 years	2.25 years	3 years

16 G. Except as provided in section 13-604.01, upon conviction of a class
 17 4, 5 or 6 felony involving the intentional or knowing infliction of serious
 18 physical injury or the discharge, use or threatening exhibition of a deadly
 19 weapon or dangerous instrument a person who has a historical prior felony
 20 conviction involving the intentional or knowing infliction of serious
 21 physical injury or the use or exhibition of a deadly weapon or dangerous
 22 instrument shall be sentenced to imprisonment as prescribed in this
 23 subsection and shall not be eligible for suspension of sentence, probation,
 24 pardon or release from confinement on any basis except as specifically
 25 authorized by section 31-233, subsection A or B until the sentence imposed by
 26 the court has been served, the person is eligible for release pursuant to
 27 section 41-1604.07 or the sentence is commuted. The presumptive term may be
 28 mitigated or aggravated within the range prescribed under this subsection
 29 pursuant to the terms of section 13-702, subsections B, C and D. The terms
 30 are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
31 Class 4	8 years	10 years	12 years
33 Class 5	4 years	5 years	6 years
34 Class 6	3 years	3.75 years	4.5 years

35 H. Except as provided in subsection S of this section or section
 36 13-604.01, upon conviction of a class 4, 5 or 6 felony involving the
 37 intentional or knowing infliction of serious physical injury or the
 38 discharge, use or threatening exhibition of a deadly weapon or dangerous
 39 instrument a person who has two or more historical prior felony convictions
 40 involving the intentional or knowing infliction of serious physical injury or
 41 the use or exhibition of a deadly weapon or dangerous instrument shall be
 42 sentenced to imprisonment as prescribed in this subsection and shall not be
 43 eligible for suspension of sentence, probation, pardon or release from
 44 confinement on any basis except as specifically authorized by section 31-233,
 45 subsection A or B until the sentence imposed by the court has been served,

the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
Class 4	12 years	14 years	16 years
Class 5	6 years	7 years	8 years
Class 6	4.5 years	5.25 years	6 years

I. Except as provided in section 13-604.01, upon a first conviction of a class 2 or 3 felony involving discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or upon conviction of a class 2 or 3 felony when the intentional or knowing infliction of serious physical injury upon another has occurred, the defendant shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
Class 2	7 years	10.5 years	21 years
Class 3	5 years	7.5 years	15 years

J. Except as provided in section 13-604.01, upon conviction of a class 2 or 3 felony involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury upon another, a person who has a historical prior felony conviction that is a class 1, 2 or 3 felony involving the use or exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
Class 2	14 years	15.75 years	28 years
Class 3	10 years	11.25 years	20 years

K. Except as provided in subsection S of this section or section 13-604.01, upon conviction for a class 2 or 3 felony involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or

the intentional or knowing infliction of serious physical injury upon another, a person who has two or more historical prior felony convictions that are class 1, 2 or 3 felonies involving the use or exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another shall be sentenced to imprisonment as prescribed in this subsection and shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted. The presumptive term may be mitigated or aggravated within the range prescribed under this subsection pursuant to the terms of section 13-702, subsections B, C and D. The terms are as follows:

<u>Felony</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
Class 2	21 years	28 years	35 years
Class 3	15 years	20 years	25 years

L. For the purposes of subsections I, J and K of this section in determining the applicability of the penalties provided in this section for second or subsequent class 2 or 3 felonies, the conviction for any felony committed ~~prior to~~ BEFORE October 1, 1978 which, if committed after October 1, 1978, could be a dangerous felony under this section may be designated by the state as a prior felony.

M. Convictions for two or more offenses committed on the same occasion shall be counted as only one conviction for purposes of this section.

N. A person who has been convicted in any court outside the jurisdiction of this state of an offense which if committed within this state would be punishable as a felony or misdemeanor is subject to the provisions of this section. A person who has been convicted as an adult of an offense punishable as a felony or a misdemeanor under the provisions of any prior code in this state shall be subject to the provisions of this section.

O. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced under subsection E of this section shall not be included in the two years required to be free of convictions for purposes of that subsection.

P. The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if the previous conviction or the allegation that the defendant committed a felony while released on bond or on the defendant's own recognizance or while escaped from preconviction custody as provided in subsection R of this section is charged in the indictment or information and admitted or found by the court or if the dangerous nature of the felony is charged in the indictment or information and admitted or found by the trier of fact. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or provision of law that specifies a later release or completion of the sentence imposed prior to release. The court shall allow the allegation

1 of a prior conviction, the dangerous nature of the felony or the allegation
 2 that the defendant committed a felony while released on bond or on the
 3 defendant's own recognizance or while escaped from preconviction custody at
 4 any time prior to the date the case is actually tried unless the allegation
 5 is filed fewer than twenty days before the case is actually tried and the
 6 court finds on the record that the defendant was in fact prejudiced by the
 7 untimely filing and states the reasons for these findings, provided that when
 8 the allegation of a prior conviction is filed, the state must make available
 9 to the defendant a copy of any material or information obtained concerning
 10 the prior conviction. The charge of previous conviction or the allegation
 11 that the defendant committed a felony while released on bond or on the
 12 defendant's own recognizance or while escaped from preconviction custody
 13 shall not be read to the jury. For the purposes of this subsection,
 14 "dangerous nature of the felony" means a felony involving the discharge, use
 15 or threatening exhibition of a deadly weapon or dangerous instrument or the
 16 intentional or knowing infliction of serious physical injury upon another.

17 Q. Intentional failure by the court to impose the mandatory sentences
 18 or probation conditions provided in this title shall be deemed to be
 19 malfeasance.

20 R. A person who is convicted of committing any felony offense, which
 21 felony offense is committed while the person is released on bail or on the
 22 defendant's own recognizance on a separate felony offense or while the person
 23 is escaped from preconviction custody for a separate felony offense, shall be
 24 sentenced to a term of imprisonment two years longer than would otherwise be
 25 imposed for the felony offense committed while released on bond or on the
 26 defendant's own recognizance or while escaped from preconviction custody.
 27 The additional sentence imposed under this subsection is in addition to any
 28 enhanced punishment that may be applicable under any of the other subsections
 29 of this section. The defendant is not eligible for suspension of sentence,
 30 probation, pardon or release from confinement on any basis except as
 31 specifically authorized by section 31-233, subsection A or B until the two
 32 years are served, the person is eligible for release pursuant to section
 33 41-1604.07 or the sentence is commuted.

34 S. A person who is at least eighteen years of age or who has been
 35 tried as an adult and who stands convicted of a serious offense except a drug
 36 offense, first degree murder or any dangerous crime against children, whether
 37 a completed or preparatory offense, and who has previously been convicted of
 38 two or more serious offenses not committed on the same occasion shall be
 39 sentenced to life imprisonment and is not eligible for suspension of
 40 sentence, probation, pardon or release from confinement on any basis except
 41 as specifically authorized by section 31-233, subsection A or B until the
 42 person has served not less than twenty-five years or the sentence is
 43 commuted.

44 T. A person who is convicted of committing any felony offense with the
 45 intent to promote, further or assist any criminal conduct by a criminal

1 street gang shall not be eligible for suspension of sentence, probation,
2 pardon or release from confinement on any basis except as authorized by
3 section 31-233, subsection A or B until the sentence imposed by the court has
4 been served, the person is eligible for release pursuant to section
5 41-1604.07 or the sentence is commuted. The presumptive, minimum and maximum
6 sentence for the offense shall be increased by three years IF THE OFFENSE IS
7 A CLASS 4, 5 OR 6 FELONY OR SHALL BE INCREASED BY FIVE YEARS IF THE OFFENSE
8 IS A CLASS 2 OR 3 FELONY. The additional sentence imposed pursuant to this
9 subsection is in addition to any enhanced sentence that may be applicable.

10 U. A person who is convicted of intentionally or knowingly committing
11 aggravated assault on a peace officer while the officer is engaged in the
12 execution of any official duties pursuant to section 13-1204, subsection A,
13 paragraph 1 or 2 shall be sentenced to imprisonment for not less than the
14 presumptive sentence authorized under this chapter and is not eligible for
15 suspension of sentence, commutation or release on any basis until the
16 sentence imposed is served.

17 V. Except as provided in section 13-604.01 or 13-703, if the victim is
18 an unborn child in the womb at any stage of its development, the defendant
19 shall be sentenced pursuant to this section.

20 W. A PERSON WHO IS CONVICTED OF ANY OFFENSE THAT IS COMMITTED WHILE
21 THE PERSON IS INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS AND WHO HAS
22 PREVIOUSLY BEEN VALIDATED AS A MEMBER OF A SECURITY THREAT GROUP BY THE STATE
23 DEPARTMENT OF CORRECTIONS, AS PART OF THE PERSON'S SENTENCE, SHALL BE PLACED
24 ON PAROLE FOR LIFE AND SHALL BE REQUIRED TO REGISTER PURSUANT TO SECTION
25 41-1691.

26 X. THE COURT, ON ITS OWN INITIATIVE OR ON APPLICATION OF A PERSON WHO
27 IS SENTENCED PURSUANT TO SUBSECTION W OF THIS SECTION, AFTER NOTICE AND AN
28 OPPORTUNITY TO BE HEARD FOR THE PROSECUTING ATTORNEY AND, ON REQUEST, THE
29 VICTIM, MAY TERMINATE THE PERIOD OF PAROLE AND DISCHARGE THE DEFENDANT AT A
30 TIME EARLIER THAN THAT ORIGINALLY IMPOSED IF IN THE COURT'S OPINION THE ENDS
31 OF JUSTICE WILL BE SERVED, IF THE COURT FINDS THAT THE DEFENDANT HAS NOT
32 ENGAGED IN ANY CRIMINAL ACTIVITY OR ASSOCIATED WITH ANY CRIMINAL STREET GANG
33 MEMBER OR SECURITY THREAT GROUP MEMBER FOR A PERIOD OF TEN YEARS AND IF THE
34 CONDUCT OF THE DEFENDANT ON PAROLE WARRANTS IT.

35 ~~W.~~ Y. For the purposes of this section:

36 1. "Absconder" means a probationer who has moved from the
37 probationer's primary place of residence without permission of the probation
38 officer, who cannot be located within ninety days of the previous contact and
39 against whom a petition to revoke has been filed in the superior court
40 alleging that the probationer's whereabouts are unknown. A probationer is no
41 longer deemed to be an absconder when voluntarily or involuntarily returned
42 to probation service.

43 2. "Historical prior felony conviction" means:

44 (a) Any prior felony conviction for which the offense of conviction:

1 (i) Mandated a term of imprisonment except for a violation of chapter
2 34 of this title involving a drug below the threshold amount; or

3 (ii) Involved the intentional or knowing infliction of serious
4 physical injury; or

5 (iii) Involved the use or exhibition of a deadly weapon or dangerous
6 instrument; or

7 (iv) Involved the illegal control of a criminal enterprise; or

8 (v) Involved aggravated driving under the influence of intoxicating
9 liquor or drugs, driving while under the influence of intoxicating liquor or
10 drugs with a suspended, canceled, revoked or refused driver license or
11 driving under the influence of intoxicating liquor or drugs with two or more
12 driving under the influence of intoxicating liquor or drug convictions within
13 a period of ~~sixty~~ EIGHTY-FOUR months; or

14 (vi) Involved any dangerous crime against children as defined in
15 section 13-604.01.

16 (b) Any class 2 or 3 felony, except the offenses listed in subdivision
17 (a) of this paragraph, that was committed within the ten years immediately
18 preceding the date of the present offense. Any time spent on absconder
19 status while on probation or incarcerated is excluded in calculating if the
20 offense was committed within the preceding ten years. If a court determines
21 a person was not on absconder status while on probation that time is not
22 excluded.

23 (c) Any class 4, 5 or 6 felony, except the offenses listed in
24 subdivision (a) of this paragraph, that was committed within the five years
25 immediately preceding the date of the present offense. Any time spent on
26 absconder status while on probation or incarcerated is excluded in
27 calculating if the offense was committed within the preceding five years. If
28 a court determines a person was not on absconder status while on probation
29 that time is not excluded.

30 (d) Any felony conviction that is a third or more prior felony
31 conviction.

32 3. "Preconviction custody" means the confinement of a person in a jail
33 in this state or another state after the person is arrested for or charged
34 with a felony offense.

35 4. "Serious offense" means any of the following offenses if committed
36 in this state or any offense committed outside this state which if committed
37 in this state would constitute one of the following offenses:

38 (a) First degree murder.

39 (b) Second degree murder.

40 (c) Manslaughter.

41 (d) Aggravated assault resulting in serious physical injury or
42 involving the discharge, use or threatening exhibition of a deadly weapon or
43 dangerous instrument.

44 (e) Sexual assault.

45 (f) Any dangerous crime against children.

(g) Arson of an occupied structure.

(h) Armed robbery.

(i) Burglary in the first degree.

(j) Kidnapping.

(k) Sexual conduct with a minor under fifteen years of age.

5. "Substantive offense" means the felony, misdemeanor or petty offense that the trier of fact found beyond a reasonable doubt the defendant committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the defendant otherwise would be subject.

Sec. 3. Section 13-609, Arizona Revised Statutes, is amended to read:

13-609. Offenses committed in school safety zone; sentences; definitions

A. Except as otherwise prescribed in section 13-3411, a person who is convicted of a felony offense that is committed in a school safety zone is guilty of the same class of felony that the person would otherwise be guilty of if the violation had not occurred within a school safety zone, except that the court may impose a sentence that is one year longer than the minimum, maximum and presumptive sentence for that violation **IF THE PERSON IS NOT A CRIMINAL STREET GANG MEMBER OR UP TO FIVE YEARS LONGER THAN THE MINIMUM, MAXIMUM AND PRESUMPTIVE SENTENCE FOR THAT VIOLATION IF THE PERSON IS A CRIMINAL STREET GANG MEMBER**. The additional sentence imposed under this subsection is in addition to any other enhanced punishment that may be applicable under section 13-604 or ~~other provisions of~~ chapter 34 of this title.

B. In addition to any other penalty prescribed by this title, the court may order a person **WHO IS** subject to the provisions of subsection A of this section to pay a fine of not less than two thousand dollars and not more than the maximum authorized by chapter 8 of this title.

C. Each school district governing board or its designee, or chief administrative officer in the case of a nonpublic or charter school, may place and maintain permanently affixed signs that are located in a visible manner at the main entrance of each school and that identify the school and its accompanying grounds as a school safety zone. A school may include information regarding the school safety zone boundaries on a sign that identifies the area as a drug free zone and not post separate school safety zone signs.

D. For **THE** purposes of this section:

1. "School" means any public or nonpublic kindergarten program, common school or high school.

2. "School safety zone" means any of the following:

(a) The area within three hundred feet of a school or its accompanying grounds.

(b) Any public property within one thousand feet of a school or its accompanying grounds.

1 (c) Any school bus.

2 (d) A bus contracted to transport pupils to any school during the time
3 when the contracted vehicle is transporting pupils on behalf of the school.

4 (e) A school bus stop.

5 (f) Any bus stop where school children are awaiting, boarding or
6 exiting a bus contracted to transport pupils to any school.

7 Sec. 4. Section 13-1202, Arizona Revised Statutes, is amended to read:

8 13-1202. Threatening or intimidating; classification

9 A. A person commits threatening or intimidating if the person
10 threatens or intimidates by word or conduct:

11 1. To cause physical injury to another person or serious damage to the
12 property of another; or

13 2. To cause, or in reckless disregard to causing, serious public
14 inconvenience including, but not limited to, evacuation of a building, place
15 of assembly or transportation facility; or

16 3. To cause physical injury to another person or damage to the
17 property of another in order to promote, further or assist in the interests
18 of or to cause, induce or solicit another person to participate in a criminal
19 street gang, a criminal syndicate or a racketeering enterprise.

20 B. Threatening or intimidating pursuant to subsection A, paragraph 1
21 or 2 is a class 1 misdemeanor, except that it is a class 6 felony if:

22 1. The offense is committed in retaliation for a victim's either
23 reporting criminal activity or being involved in an organization, other than
24 a law enforcement agency, that is established for the purpose of reporting or
25 preventing criminal activity.

26 2. THE PERSON IS A CRIMINAL STREET GANG MEMBER.

27 C. Threatening or intimidating pursuant to subsection A, paragraph 3
28 is a class ~~4~~ 3 felony.

29 Sec. 5. Section 13-1805, Arizona Revised Statutes, is amended to read:

30 13-1805. Shoplifting; detaining suspect; defense to wrongful
31 detention; civil action by merchant; public
32 services; classification

33 A. A person commits shoplifting if, while in an establishment in which
34 merchandise is displayed for sale, the person knowingly obtains such goods of
35 another with the intent to deprive that person of such goods by:

36 1. Removing any of the goods from the immediate display or from any
37 other place within the establishment without paying the purchase price; or

38 2. Charging the purchase price of the goods to a fictitious person or
39 any person without that person's authority; or

40 3. Paying less than the purchase price of the goods by some trick or
41 artifice such as altering, removing, substituting or otherwise disfiguring
42 any label, price tag or marking; or

43 4. Transferring the goods from one container to another; or

44 5. Concealment.

1 B. Any person who knowingly conceals ~~upon~~ ON himself or another person
2 unpurchased merchandise of any mercantile establishment while within the
3 mercantile establishment is presumed to have the necessary culpable mental
4 state pursuant to subsection A of this section.

5 C. A merchant, or a merchant's agent or employee, with reasonable
6 cause, may detain on the premises in a reasonable manner and for a reasonable
7 time any person who is suspected of shoplifting as prescribed in subsection A
8 of this section for questioning or summoning a law enforcement officer.

9 D. Reasonable cause is a defense to a civil or criminal action against
10 a peace officer, a merchant or an agent or employee of the merchant for false
11 arrest, false or unlawful imprisonment or wrongful detention.

12 E. If a minor engages in conduct that violates subsection A of this
13 section, notwithstanding the fact that the minor may not be held responsible
14 because of the person's minority, any merchant WHO IS injured by the
15 shoplifting of the minor may bring a civil action against the parent or legal
16 guardian of the minor under either section 12-661 or 12-692.

17 F. Any merchant who is injured by the shoplifting of an adult or
18 emancipated minor in violation of subsection A of this section may bring a
19 civil action against the adult or emancipated minor pursuant to section
20 12-691.

21 ~~H.~~ G. In imposing sentence on a person who is convicted of violating
22 this section, the court may require any person to perform public services
23 designated by the court in addition to or in lieu of any fine that the court
24 might impose.

25 ~~G.~~ H. Shoplifting property with a value of two thousand dollars or
26 more, ~~or~~ shoplifting property during any continuing criminal episode
27 regardless of the value of the goods OR SHOPLIFTING PROPERTY IF DONE TO
28 PROMOTE, FURTHER OR ASSIST ANY CRIMINAL STREET GANG OR CRIMINAL SYNDICATE is
29 a class 5 felony. Shoplifting property with a value of one thousand dollars
30 or more but less than two thousand dollars is a class 6 felony. Shoplifting
31 property valued at less than one thousand dollars is a class 1 misdemeanor,
32 unless the property is a firearm in which case the shoplifting is a class 6
33 felony. For the purposes of this subsection, "continuing criminal episode"
34 means theft committed from at least three separate retail establishments
35 within a period of three consecutive days.

36 I. A person who commits shoplifting and who has previously committed
37 or been convicted within the past five years of two or more offenses
38 involving burglary, shoplifting, robbery or theft or who in the course of
39 shoplifting entered the mercantile establishment with an artifice,
40 instrument, container, device or other article that was intended to
41 facilitate shoplifting is guilty of a class 4 felony.

42 Sec. 6. Section 13-2308, Arizona Revised Statutes, is amended to read:

43 13-2308. Participating in or assisting a criminal syndicate;
44 leading or participating in a criminal street gang

45 A. A person commits participating in a criminal syndicate by:

1 1. Intentionally organizing, managing, directing, supervising or
2 financing a criminal syndicate with the intent to promote or further the
3 criminal objectives of the syndicate; or

4 2. Knowingly inciting or inducing others to engage in violence or
5 intimidation to promote or further the criminal objectives of a criminal
6 syndicate; or

7 3. Furnishing advice or direction in the conduct, financing or
8 management of a criminal syndicate's affairs with the intent to promote or
9 further the criminal objectives of a criminal syndicate; or

10 4. Intentionally promoting or furthering the criminal objectives of a
11 criminal syndicate by inducing or committing any act or omission by a public
12 servant in violation of his official duty; or

13 5. Hiring, engaging or using a minor for any conduct preparatory to or
14 in completion of any offense in this section.

15 B. A person shall not be convicted pursuant to subsection A of this
16 section on the basis of accountability as an accomplice unless he
17 participates in violating this section in one of the ways specified.

18 C. A person commits assisting a criminal syndicate by committing any
19 felony offense, whether completed or preparatory, with the intent to promote
20 or further the criminal objectives of a criminal syndicate.

21 D. Except as provided in subsection E or F of this section,
22 participating in a criminal syndicate is a class 2 felony.

23 E. A violation of subsection A, paragraph 5 of this section is a class
24 2 felony and the person convicted is not eligible for probation, pardon,
25 suspension of sentence or release on any basis until the person has served
26 the sentence imposed by the court or the sentence is commuted.

27 F. Assisting a criminal syndicate is a class 4 felony. ~~If committed~~
28 ~~for the benefit of, at the direction of, or in association with any criminal~~
29 ~~street gang with the intent to promote, further or assist any criminal~~
30 ~~conduct by the gang, assisting a criminal syndicate is a class 3 felony.~~

31 ~~G. A person who violates subsection A, paragraph 1, 2, 3 or 4 of this~~
32 ~~section for the benefit of, at the direction of or in association with any~~
33 ~~criminal street gang, with the intent to promote, further or assist any~~
34 ~~criminal conduct by the gang, is guilty of a class 2 felony.~~

35 ~~H.~~ G. Use of a common name or common identifying sign or symbol shall
36 be admissible and may be considered in proving the combination of persons or
37 enterprises required by this section.

38 Sec. 7. Title 13, chapter 23, Arizona Revised Statutes, is amended by
39 adding section 13-2320, to read:

40 13-2320. Participating in or assisting a criminal street gang;
41 classification

42 A. A PERSON COMMITS PARTICIPATING IN A CRIMINAL STREET GANG BY ANY OF
43 THE FOLLOWING:

1 1. INTENTIONALLY ORGANIZING, MANAGING, DIRECTING, SUPERVISING OR
2 FINANCING A CRIMINAL STREET GANG WITH THE INTENT TO PROMOTE OR FURTHER THE
3 CRIMINAL OBJECTIVES OF THE CRIMINAL STREET GANG.

4 2. KNOWINGLY INCITING OR INDUCING OTHERS TO ENGAGE IN VIOLENCE OR
5 INTIMIDATION TO PROMOTE OR FURTHER THE CRIMINAL OBJECTIVES OF A CRIMINAL
6 STREET GANG.

7 3. FURNISHING ADVICE OR DIRECTION IN THE CONDUCT, FINANCING OR
8 MANAGEMENT OF A CRIMINAL STREET GANG'S AFFAIRS WITH THE INTENT TO PROMOTE OR
9 FURTHER THE CRIMINAL OBJECTIVES OF A CRIMINAL STREET GANG.

10 4. INTENTIONALLY PROMOTING OR FURTHERING THE CRIMINAL OBJECTIVES OF A
11 CRIMINAL STREET GANG BY INDUCING OR COMMITTING ANY ACT OR OMISSION BY A
12 PUBLIC SERVANT IN VIOLATION OF THE PUBLIC SERVANT'S OFFICIAL DUTY.

13 B. A PERSON COMMITS ASSISTING A CRIMINAL STREET GANG BY COMMITTING ANY
14 FELONY OFFENSE, WHETHER COMPLETED OR PREPARATORY FOR THE BENEFIT OF, AT THE
15 DIRECTION OF OR IN ASSOCIATION WITH ANY CRIMINAL STREET GANG.

16 C. PARTICIPATING IN A CRIMINAL STREET GANG IS A CLASS 2 FELONY.

17 D. ASSISTING A CRIMINAL STREET GANG IS A CLASS 3 FELONY.

18 E. USE OF A COMMON NAME OR COMMON IDENTIFYING SIGN OR SYMBOL SHALL BE
19 ADMISSIBLE AND MAY BE CONSIDERED IN PROVING THE EXISTENCE OF A CRIMINAL
20 STREET GANG OR MEMBERSHIP IN A CRIMINAL STREET GANG.

21 Sec. 8. Section 13-2409, Arizona Revised Statutes, is amended to read:

22 13-2409. Obstructing criminal investigations or prosecutions;
23 classification

24 A person who knowingly attempts by means of bribery, misrepresentation,
25 intimidation or force or threats of force to obstruct, delay or prevent the
26 communication of information or testimony relating to a violation of any
27 criminal statute to a peace officer, magistrate, prosecutor or grand jury or
28 who knowingly injures another in his person or property on account of the
29 giving by the latter or by any other person of any such information or
30 testimony to a peace officer, magistrate, prosecutor or grand jury is guilty
31 of a class 5 felony, EXCEPT THAT IT IS A CLASS 3 FELONY IF THE PERSON COMMITS
32 THE OFFENSE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL STREET
33 GANG.

34 Sec. 9. Section 13-2512, Arizona Revised Statutes, is amended to read:

35 13-2512. Hindering prosecution in the first degree;
36 classification

37 A. A person commits hindering prosecution in the first degree if, with
38 the intent to hinder the apprehension, prosecution, conviction or punishment
39 of another for any felony, the person renders assistance to the other person.

40 B. Hindering prosecution in the first degree is a class 5 felony,
41 except that ~~hindering prosecution in the first degree where a~~ IT IS A CLASS 3
42 FELONY IF EITHER:

43 1. THE person knows or has reason to know that ~~it~~ THE OFFENSE involves
44 terrorism or murder ~~is a class 3 felony~~.

2. THE PERSON COMMITS THE OFFENSE WITH THE INTENT TO PROMOTE, FURTHER
OR ASSIST A CRIMINAL STREET GANG.

Sec. 10. Heading change

The article heading of title 13, chapter 38, article 3, Arizona Revised
Statutes, is changed from "REGISTRATION OF SEX OFFENDERS" to "REGISTRATION OF
SEX OFFENDERS AND OFFENDER MONITORING".

Sec. 11. Title 13, chapter 38, article 3, Arizona Revised Statutes, is
amended by adding section 13-3829, to read:

13-3829. Criminal street gang and sex offender monitoring;
qualified vendor; definition

A. THE DEPARTMENT OF PUBLIC SAFETY MAY ENTER INTO A CONTRACT WITH A
QUALIFIED VENDOR TO PROVIDE A DATA MONITORING AND ALERT SYSTEM FOR PERSONS
WHO ARE FOUND TO BE EITHER CRIMINAL STREET GANG MEMBERS PURSUANT TO SECTION
13-105 OR PERSONS WHO ARE REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821.

B. THE VENDOR SHALL MONITOR THE MOVEMENT AND ANY CHANGE OF RESIDENCE
OR ADDRESS OF A CRIMINAL STREET GANG MEMBER OR REGISTERED SEX OFFENDER
THROUGH PUBLIC RECORDS OR OTHER RECORD INFORMATION SYSTEMS.

C. THE VENDOR SHALL NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OR A LOCAL
LAW ENFORCEMENT AGENCY IF A CRIMINAL STREET GANG MEMBER OR REGISTERED SEX
OFFENDER DOES ANY OF THE FOLLOWING:

1. MOVES FROM ANOTHER STATE TO A RESIDENCE OR ADDRESS IN THIS STATE.

2. MOVES FROM A RESIDENCE OR ADDRESS IN THIS STATE TO A RESIDENCE OR
ADDRESS IN ANOTHER STATE.

3. MOVES FROM A RESIDENCE OR ADDRESS IN THIS STATE TO ANOTHER
RESIDENCE OR ADDRESS IN THIS STATE.

D. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED VENDOR" MEANS A VENDOR
THAT IS EXPERIENCED IN AND CAPABLE OF FULFILLING THE REQUIREMENTS OF THIS
SECTION ON A DAILY BASIS.

Sec. 12. Section 13-3961, Arizona Revised Statutes, is amended to
read:

13-3961. Offenses not bailable; purpose; preconviction;
exceptions

A. A person who is in custody shall not be admitted to bail if the
proof is evident or the presumption great that the person is guilty of the
offense and the offense charged is either:

1. A capital offense.

2. Sexual assault.

3. Sexual conduct with a minor who is under fifteen years of age.

4. Molestation of a child who is under fifteen years of age.

5. A serious felony offense if the person has entered or remained in
the United States illegally. For the purposes of this paragraph, "serious
felony offense" means any class 1, 2, 3 or 4 felony or any violation of
section 28-1383.

B. The purposes of bail and any conditions of release that are set by
a judicial officer include:

- 1 1. Assuring the appearance of the accused.
- 2 2. Protecting against the intimidation of witnesses.
- 3 3. Protecting the safety of the victim, any other person or the
- 4 community.

5 C. A person who is in custody shall not be admitted to bail if the
6 person is charged with a felony offense and the state certifies by motion and
7 the court finds after a hearing on the matter that there is clear and
8 convincing evidence that the person charged poses a substantial danger to
9 another person or the community or engaged in conduct constituting a violent
10 offense, that no condition or combination of conditions of release may be
11 imposed that will reasonably assure the safety of the other person or the
12 community and that the proof is evident or the presumption great that the
13 person committed the offense for which the person is charged. For the
14 purposes of this subsection, "violent offense" means either of the following:

- 15 1. A dangerous crime against children.
- 16 2. Terrorism.

17 D. On oral motion of the state, the court shall order the hearing
18 required by subsection C **OF THIS SECTION** at or within twenty-four hours of
19 the initial appearance unless the person who is subject to detention or the
20 state moves for a continuance. A continuance that is granted on the motion
21 of the person shall not exceed five calendar days unless there are
22 extenuating circumstances. A continuance on the motion of the state shall be
23 granted on good cause shown and shall not exceed twenty-four hours. The
24 person may be detained pending the hearing. The person is entitled to
25 representation by counsel and is entitled to present information by proffer
26 or otherwise, to testify and to present witnesses in the person's own behalf.
27 Testimony of the person charged that is given during the hearing shall not be
28 admissible on the issue of guilt in any subsequent judicial proceeding,
29 except as it might relate to the compliance with or violation of any
30 condition of release subsequently imposed or the imposition of appropriate
31 sentence or in perjury proceedings, or for the purposes of impeachment. The
32 case of the person shall be placed on an expedited calendar and, consistent
33 with the sound administration of justice, the person's trial shall be given
34 priority. The person may be admitted to bail in accordance with the Arizona
35 rules of criminal procedure whenever a judicial officer finds that a
36 subsequent event has eliminated the basis for detention.

37 E. The finding of an indictment or the filing of an information does
38 not add to the strength of the proof or the presumption to be drawn.

39 **F. IN A HEARING PURSUANT TO SUBSECTION C OF THIS SECTION, PROOF THAT**
40 **THE PERSON IS A CRIMINAL STREET GANG MEMBER MAY GIVE RISE TO THE INFERENCE**
41 **THAT THE PERSON POSES A SUBSTANTIAL DANGER TO ANOTHER PERSON OR THE COMMUNITY**
42 **AND THAT NO CONDITION OR COMBINATION OF CONDITIONS OF RELEASE MAY BE IMPOSED**
43 **THAT WILL REASONABLY ASSURE THE SAFETY OF THE OTHER PERSON OR THE COMMUNITY.**

44 **G. THE COUNTY ATTORNEY, THE CITY ATTORNEY OR ANY OTHER ATTORNEY WHO IS**
45 **RESPONSIBLE FOR THE OVERSIGHT OF A PROSECUTING ATTORNEY SHALL ENSURE THAT ALL**

1 PROSECUTING ATTORNEYS REVIEW EACH CASE TO DETERMINE IF THE OFFENSE IS NOT
2 BAILABLE PURSUANT TO THIS SECTION.

3 Sec. 13. Title 41, chapter 11, Arizona Revised Statutes, is amended by
4 adding article 9, to read:

5 ARTICLE 9. SECURITY THREAT GROUP REGISTRATION

6 41-1691. Security threat group: registration: definitions

7 A. A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OR ATTEMPTED
8 VIOLATION OF ANY OFFENSE THAT IS PUNISHABLE PURSUANT TO SECTION 13-604,
9 SUBSECTION W OR WHO HAS BEEN CONVICTED OF AN OFFENSE COMMITTED IN ANOTHER
10 JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OR
11 ATTEMPTED VIOLATION OF ANY OFFENSE THAT WOULD BE PUNISHABLE PURSUANT TO
12 SECTION 13-604, SUBSECTION W OR WHO IS REQUIRED TO REGISTER BY THE CONVICTING
13 JURISDICTION, WITHIN TEN DAYS AFTER THE CONVICTION OR WITHIN TEN DAYS AFTER
14 ENTERING AND REMAINING IN ANY COUNTY OF THIS STATE, SHALL REGISTER WITH THE
15 STATE DEPARTMENT OF CORRECTIONS.

16 B. BEFORE THE PERSON IS RELEASED FROM CONFINEMENT THE STATE DEPARTMENT
17 OF CORRECTIONS SHALL COMPLETE THE REGISTRATION OF ANY PERSON WHO WAS
18 CONVICTED OF A VIOLATION OF AN OFFENSE PURSUANT TO SUBSECTION A OF THIS
19 SECTION. WITHIN THREE DAYS AFTER THE PERSON'S RELEASE FROM CONFINEMENT, THE
20 STATE DEPARTMENT OF CORRECTIONS SHALL MAKE AVAILABLE THE REGISTERED PERSON'S
21 RECORDS TO THE DEPARTMENT OF PUBLIC SAFETY AND TO THE SHERIFF OF THE COUNTY
22 IN WHICH THE REGISTERED PERSON INTENDS TO RESIDE.

23 C. THE COURT MAY ORDER THE TERMINATION OF ANY DUTY TO REGISTER UNDER
24 THIS SECTION IF THE PERSON WAS UNDER EIGHTEEN YEARS OF AGE WHEN THE OFFENSE
25 FOR WHICH THE PERSON WAS CONVICTED WAS COMMITTED.

26 D. AT THE TIME OF REGISTERING, THE PERSON SHALL SIGN OR AFFIX AN
27 ELECTRONIC FINGERPRINT TO A STATEMENT GIVING SUCH INFORMATION AS REQUIRED BY
28 THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS, INCLUDING ALL NAMES BY
29 WHICH THE PERSON IS KNOWN. THE DEPARTMENT SHALL FINGERPRINT AND PHOTOGRAPH
30 THE PERSON AND WITHIN THREE DAYS THEREAFTER SHALL MAKE AVAILABLE COPIES OF
31 THE STATEMENT, FINGERPRINTS AND PHOTOGRAPHS TO THE DEPARTMENT OF CORRECTIONS,
32 IF ANY, OF THE PLACE WHERE THE PERSON RESIDES. THE INFORMATION THAT IS
33 REQUIRED BY THIS SUBSECTION SHALL INCLUDE THE PHYSICAL LOCATION OF THE
34 PERSON'S RESIDENCE AND THE PERSON'S ADDRESS. IF THE PERSON HAS A PLACE OF
35 RESIDENCE THAT IS DIFFERENT FROM THE PERSON'S ADDRESS, THE PERSON SHALL
36 PROVIDE THE PERSON'S ADDRESS, THE PHYSICAL LOCATION OF THE PERSON'S RESIDENCE
37 AND THE NAME OF THE OWNER OF THE RESIDENCE IF THE RESIDENCE IS PRIVATELY
38 OWNED AND NOT OFFERED FOR RENT OR LEASE. IF THE PERSON RECEIVES MAIL AT A
39 POST OFFICE BOX, THE PERSON SHALL PROVIDE THE LOCATION AND NUMBER OF THE POST
40 OFFICE BOX. IF THE PERSON DOES NOT HAVE AN ADDRESS OR A PERMANENT PLACE OF
41 RESIDENCE, THE PERSON SHALL PROVIDE A DESCRIPTION AND PHYSICAL LOCATION OF
42 ANY TEMPORARY RESIDENCE AND SHALL REGISTER AS A TRANSIENT NOT LESS THAN EVERY
43 NINETY DAYS WITH THE STATE DEPARTMENT OF CORRECTIONS.

1 E. A PERSON WHO IS SUBJECT TO REGISTRATION UNDER THIS SECTION AND WHO
2 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS GUILTY OF A CLASS 4
3 FELONY.

4 F. FOR THE PURPOSES OF THIS SECTION:

5 1. "ADDRESS" MEANS THE LOCATION AT WHICH THE PERSON RECEIVES MAIL.

6 2. "RESIDENCE" MEANS THE PERSON'S DWELLING PLACE, WHETHER PERMANENT OR
7 TEMPORARY.

8 Sec. 14. Appropriation; department of public safety; crime
9 control

10 The sum of \$2,900,000 is appropriated from the state general fund in
11 fiscal year 2007-2008 to the department of public safety as follows:

12 1. \$1,000,000 to GIITEM for distribution to county attorneys for
13 vertical prosecutors in order to prosecute gang-related offenses.

14 2. \$1,500,000 for crime analysts and related employee expenditures.

15 3. \$400,000 to GIITEM to upgrade the state gang intelligence database.

16 Sec. 15. Appropriation; state department of corrections;
17 security and gangs

18 A. The sum of \$600,000 is appropriated from the state general fund in
19 fiscal year 2007-2008 to the state department of corrections for the security
20 threat group unit.

21 B. The security threat group unit shall coordinate with GIITEM to
22 share gang intelligence information.

23 C. The department shall provide quarterly progress reports to the
24 joint legislative budget committee for review on the coordination with GIITEM
25 to share gang intelligence information.

26 Sec. 16. Appropriations; nonsupplanting

27 The appropriations made in sections 14 and 15 of this act shall not be
28 used to supplant existing monies or appropriations for the purposes
29 specified.